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In re Jones, J. et al.

**REMARKS/ARGUMENTS**

The Examiner is thanked for the Official Action dated April 10, 2001. This amendment and request for reconsideration is intended to be fully responsive thereto.

Claims 1-8 were rejected under 35 USC §103(a) as being unpatentable over Dozier in view of Williams. Applicant respectfully disagrees.

Examiner noted that Dozier discloses that the actuating means is by way of the cam shaft 34 is directly mounted on the spider 12. We believe that the Examiner's position is in error. Dozier discloses the brake spider 12 welded to the axle 18, and the camshaft 34 directly mounted to the brake spider 12. Dozier shows only part of the actuating means (namely the cam 32 and a portion of the camshaft 34 adjacent to the cam 32). However, Dozier does not show the brake actuator and the way it is mounted. Furthermore, Dozier does not disclose the actuating means having the mounting sleeve that provides a support for securing the brake actuator cylinder directly to the brake spider. Thus, Dozier fails to disclose the pneumatic brake actuator directly mounted to the brake spider. Moreover, Dozier neither suggests, nor provides any motivation to directly mount the brake actuator to the brake spider 12.

Unlike the Dozier patent, the brake assembly of the present invention has the mounting sleeve that directly supports the brake actuator cylinder to the single-piece brake spider.

The following limitation of the claims 1and 8 is not found or suggested by the prior art, "...a mounting sleeve having a first end and a second end, said first end of said mounting sleeve is secured to said pneumatic brake actuator cylinder and said second end of said mounting sleeve

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is secured to said actuator support plate of said brake spider, said brake actuating shaft rotationally supported and positioned within said mounting sleeve;...”.

Because the prior art fails to teach or render obvious this claim structure, the rejection must be withdrawn. Dozier fails to show any mounting sleeve for supporting the brake actuator.

Williams discloses a brake assembly including the pneumatic brake actuator mounted to the back plate 12, not to the brake spider. The back plate 12 is secured to the axle housing through a plurality of apertures 16 in the back plate 12 (apparently using bolt connection). Obviously, such an arrangement is substantially less rigid than the axle beam and brake assembly of the present invention, includes more parts, and is more expensive and laborious in manufacturing and assembling.

The Examiner notes that it would have been obvious to one of ordinary skill in the art to have provided Dozier's brake assembly with the brake actuating assembly as taught by Williams. However, the Examiner fails to cite any prior reference that would disclose an axle beam and drum brake assembly that comprises a brake spider secured to an axle beam, and a pneumatic brake actuator directly mounted to the brake spider through the mounting sleeve. The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990) (MPER 2143.01). The prior art references cited by the Examiner fail to disclose or suggest the desirability of directly mounting the pneumatic brake actuator to the brake spider through the mounting sleeve.

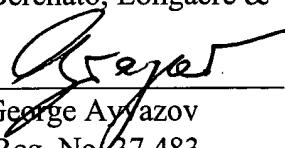
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Therefore, the Examiner's conclusion that it would have been obvious *per se* to one of ordinary skill in the art to provide Dozier's brake assembly with the brake actuating assembly as taught by Williams, is improper. It is believed that the claims of the present application are unobvious over Dozier or Williams taken singularly or in combination.

Claims 2, 3 and 7 have been canceled, thus rendering those rejection moot.

Attached hereto is an appendix of the amendment that shows the changes made to the specification by the current amendment. The attached page is captioned "**APPENDIX OF AMENDMENT TO SHOW CHANGES MADE**".

It is respectfully submitted that claims 1, 4-6 and 8 define the invention over the prior art of record and are in condition for allowance, and notice to that effect is earnestly solicited. Should the Examiner believe further discussion regarding the above claim language would expedite prosecution they are invited to contact the undersigned at the number listed below.

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**APPENDIX OF AMENDMENT TO SHOW CHANGES MADE**

**In the Claims:**

Claims 2, 3 and 7 have been canceled.